

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Darren Hartness,

Plaintiff,

vs.

Love's Travel Stops & Country Stores, Inc.
d/b/a Love's #740, Jeffrey Lee and
Catherine Lee,

Defendants.

Civil Action No.:

NOTICE OF REMOVAL

TO: J. CLAY HOPKINS, ESQUIRE, COUNSEL TO PLAINTIFF:

Defendants Love's Travel Stops & Country Stores, Inc., the proper party in interest, on behalf of itself and Defendants Jeffrey Lee and Catherine Lee (collectively, "Defendants"), by and through their counsel Kelsey J. Brudvig and Kyle L. Brady of Collins and Lacy, P.C., file this Notice of Removal in the above-captioned case to the United States District Court for the District of South Carolina, Beaufort Division, pursuant to, inter alia, 28 U.S.C. §§ 1332, 1441, and 1446.

Defendants would respectfully show unto this Honorable Court:

1. The above-entitled action was brought in the Hampton County Court of Common Pleas by the Plaintiff to recover from Defendants a judgment for actual and punitive damages, together with the costs and fees of this action.
2. This action was commenced by the service of an Amended Summons and Complaint against Defendants. Service was completed on Defendant Jeffrey Lee on August 5, 2022. Service was then completed on Defendants Catherine Lee and Love's Travel Stops & Country Stores, Inc. d/b/a Love's #740 on August 9, 2022.
3. Plaintiff alleges she is a citizen and resident of Drew County, State of Arkansas.

4. Defendant Love's is a corporation incorporated in Oklahoma with its principal place of business being Oklahoma.
5. Defendants Jeffrey Lee and Catherine Lee are sham defendants included in this lawsuit for the sole purpose of preventing the removal of this case from the Court of Common Pleas for Hampton County to the proper venue of the United States District Court for the District of South Carolina. Defendant Jeffrey Lee was not employed at Love's #740 store location in May 2021. **See Exhibit A.** (Affidavit of Jeffrey Lee). Accordingly, Defendant Jeffrey Lee and Catherine Lee's residence should not be considered for purposes of removal. See Benjamin v. Wal-Mart Stores, Inc., 413 F. Supp. 2d 652, 654–56 (D.S.C. 2006).
6. Accordingly, complete diversity exists between the proper parties. See 28 U.S.C. §§ 1332, 1441, and 1446.
7. Plaintiff's Amended Complaint is silent as to the amount in controversy. Defendants are informed Plaintiff is alleged to have suffered injuries purportedly as a result of slipping and falling in a foreign substance on defendants' premises. Although the Amended Complaint does not specify the amount of damages sustained or prays for a specific sum, Plaintiff alleges he has suffered loss of income; loss or impairment of earning capacity; out-of-pocket expenses; medical expenses and transportation expenses connected with medical treatment; future damages resulting from permanent injuries; loss of family services; alteration of lifestyle; psychological trauma; mental anguish; mental distress; apprehension; anxiety; emotional injury; psychological injury; depression; pain and suffering; and loss of enjoyment of life (Compl. at ¶ 21). Plaintiff seeks actual and punitive damages for injuries that could be characterized as substantial, the costs of prosecution and

prejudgment interest. Based upon this information, Defendants submit there is sufficient evidence that the amount in controversy exceeds the jurisdictional threshold for removal.

8. Removal to this district and division is proper under 28 U.S.C. § 1441(a) because the district and division encompass the Hampton County Court of Common Pleas for the State of South Carolina, the jurisdiction in which the action was filed.
9. Defendants file herewith copies of all process and pleadings served upon it in this action as part of this notice. **See Exhibit B.**
10. Defendants will file a copy of this Notice of Removal with the Clerk of Court for Hampton County, South Carolina, and will serve a copy upon counsel for Plaintiff.

WHEREFORE, Defendants pray this Honorable Court accept this Notice of Removal, take jurisdiction of the above-entitled case, and that all further proceedings in said case in the Court of Common Pleas, County of Hampton, State of South Carolina be stayed.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,
COLLINS & LACY, P.C.

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ATTORNEYS FOR LOVE'S TRAVEL
STOPS & COUNTRY STORES, INC.,
JEFFREY LEE AND CATHERINE LEE

NOTICE OF REMOVAL

August 26, 2022
Columbia, South Carolina